

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
SOFIA MAAYAH,

Plaintiff,

-v-

FAREVA USA, INC., et al.,

Defendants.

CIVIL ACTION NO.: 24 Civ. 4731 (CM) (SLC)

ORDER

SARAH L. CAVE, United States Magistrate Judge.

On September 19, 2024, Defendants Fareva USA, Inc. and Chromavis USA, Inc. (the “Corporate Defendants”) filed a Motion to Dismiss Plaintiff Sofia Maayah’s Complaint alleging, inter alia, discrimination and retaliation on the basis of her sex, national origin, and marital status. (ECF No. 21). In response, Plaintiff filed an Opposition and Cross-Motion to Amend the Complaint, including a Proposed First Amended Complaint (“PFAC”). (ECF No. 30 (the “Motion to Amend”)). In opposition to the Motion to Amend, the Corporate Defendants argued that the PFAC was futile and would not cure the deficiencies identified in their Motion to Dismiss. (ECF No. 36 at 7–11). On December 13, 2024, Defendant Thibaut Fraisse (“Mr. Fraisse” (with the Corporate Defendants, “Defendants”)), filed a Motion to Dismiss the Complaint and “join[ed] in full the [Motion to Dismiss]” filed by the Corporate Defendants. (ECF Nos. 37; 38 at 5). On December 26, 2024, without the Court’s leave, Plaintiff filed a new PFAC “in lieu of response” to Mr. Fraisse’s Motion to Dismiss. (ECF No. 39).

Because Plaintiff has not received leave to file an amended complaint, the original Complaint remains the operative pleading in this matter. Nevertheless, by **Friday, January 10, 2025**, Defendants are ORDERED to review the PFAC and to file a letter indicating whether the PFAC addresses the deficiencies identified in their Motions to Dismiss and Opposition to the Motion to Amend and therefore would render moot their pending Motions to Dismiss. By **Friday, January 17, 2025**, Plaintiff shall file any response to Defendants' letter. See Pettaway v. Nat'l Recovery Sols., LLC, 955 F.3d 299, 303–04 (2d Cir. 2020) ("[W]hen a plaintiff [] amends [a] complaint after a defendant has filed a motion to dismiss that is still pending, the district court has the option of either denying the pending motion as moot or evaluating the motion in light of the facts alleged in the amended complaint.").

Dated: New York, New York
 December 30, 2024

SO ORDERED.



SARAH L. CAVE
United States Magistrate Judge